

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

FILED  
U.S. DISTRICT COURT  
AUGUSTA DIV.

2008 MAR 17 PM 2:43

CLERK E. Baan  
SOUTHERN DISTRICT OF GA.

GENE L. WILLIAMS,

Plaintiff,

v.

LOGAN MARSHALL, Sheriff,  
et al.,

Defendants.

CASE NO. CV106-37

O R D E R

After a careful de novo review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed.


Magistrate Judge W. Leon Barfield recommended granting Defendants' Motion for Summary Judgment because Plaintiff failed to properly exhaust administrative remedies. To properly exhaust administrative remedies under the Prison Litigation Reform Act, a prisoner must use all steps that the agency holds out and appeal to the highest level of the administrative process. Woodford v. Ngo, 548 U.S. 81, 126 S. Ct. 2378, 2385, 165 L. Ed. 2d 368 (2006).

In this case, even if the Court construes Plaintiff's "sick call request" as an informal grievance, it is undisputed that he did not pursue the grievance to the

highest level of the administrative process. Therefore, he failed to properly exhaust his administrative remedies.

The Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Plaintiff's Motion for Recusal of the Augusta Division of the District Court (Doc. 40) is **DENIED**. The Motion to Appoint Counsel (Doc. 42) is **DENIED**. The Clerk of Court is **DIRECTED** to **CLOSE** this case.

SO ORDERED this 17<sup>th</sup> day of March, 2008.

  
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WILLIAM T. MOORE, JR. CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA